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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/715,724	09/19/96	WILSON	P 6000

IM62/0527-

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**EXAMINER**

MORRIS, T

**ART UNIT****PAPER NUMBER**

1771

**DATE MAILED:** 05/27/99

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/715,724**

Applicant(s)  
**Wilson et al.**

Examiner  
**Terrel Morris**

Group Art Unit  
**1771**



☒ Responsive to communication(s) filed on Mar 22, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 2-4, 9, 10, 13-15, 17, and 20-22 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 2-4, 9, 10, 13-15, 17, and 20-22 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. Applicant's amendments and accompanying remarks filed March 22, 1999 have been carefully considered. The only changes made to the claims is to narrow the range of the sheath content to a maximum of 9%. Lin teaches a minimum of 10% and has an example employing 11%. However, this does not teach or suggest the now claimed range. However, there is prior art already of record which compliments the teachings of Lin and teaches how to employ lower amounts of sheath effectively. As such, Applicant's amended claims are not found to contribute any knowledge to the art and are therefore not found to provide a non-obvious distinction over the prior art.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 2-4, 9-10, 13-15, 17, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin, US 5,447,794 in view of Lijten et al., US 5,468,555.

The features of Lin have been set forth in previous Office actions. Lin discloses Applicant's inventive concept and anticipates nearly the entirety of the claimed invention. That which Lin does not disclose is multilobal filaments and a sheath content of 3% to 9%.

As set forth in earlier Office actions, and not contested by Applicant, the use of multilobal filaments in Lin would have been instantly obvious to one skilled in the art. Furthermore, Lijten et al. at column 3, lines 10-21 evidences the Examiners earlier positions.

Lijten et al. is directed to yarn formed from core-sheath filaments (Title) that are designed to have a uniform sheath which permits the use of lower sheath volumes (Abstract). Column 2

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teaches that even as little as 7% sheath or less is effective following their techniques. The patent also teaches that polyamide/polyamide combinations can be used and that the fibers employed can be used in carpets. Furthermore, the patent teaches that the sheath of the disclosed fibers can improve the dye-ability of the filaments when used in carpet fiber, even if the core material is difficult to dye. Thus, one skilled in the art in possession of both Lin and Lijten et al. would have been motivated by improved results and lower costs to modify the Lin fibers by applying the Lijten et al. techniques of producing more uniform sheaths. Such, allows for less sheath material to be employed (7% or less), which is a benefit due to its expense in relation the core material which is common nylon, without incurring any adverse effects on performance.

4. While Applicant's arguments with respect to claims 2-4, 9-10, 13-15, 17, and 20-22 have been considered, they are moot in view of the new ground of rejection.

5. Applicant's amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Terrel Morris whose telephone number is (703) 308-2414. The Examiner can normally be reached Monday through Thursday from 7:00 am to 4:00 pm and on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Marion McCamish, can be reached at (703) 308-3961.

The Office has established a Fax Center to handle Official communications from Applicants via facsimile. Two numbers have been provided: (703) 305-3599 for After Final communications and (703) 305-5408 for all other Official communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

  
Terrel Morris  
Primary Examiner  
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May 26, 1999